

STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH  
OFFICE OF FINANCIAL AND INSURANCE REGULATION  
Before the Commissioner of Financial and Insurance Regulation

Office of Financial and Insurance Regulation,  
Petitioner

v

Enforcement Case No. 09-7131

Frederick G. Asher,  
Respondent

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For the Petitioner:

William R. Peattie  
Office of Financial & Insurance Regulation  
P.O. Box 30220  
Lansing, MI 48909-7720

For the Respondent:

Frederick G. Asher  


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Issued and entered  
this 2<sup>nd</sup> day of June 2009  
by Ken Ross  
Commissioner

**FINAL DECISION**

On March 27, 2009, Chief Deputy Commissioner Stephen R. Hilker issued an Order for Hearing and Order to Respond in this case. The Order to Respond required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file an answer to the allegations stated in the complaint, request an adjournment, or file a statement that Respondent plans to attend the hearing. Respondent failed to take any of these actions within the required time.

On April 23, 2009, the Petitioner filed a Motion for Final Decision by Default.

On April 29, 2009, Respondent faxed to the Office of Financial and Insurance Regulation (OFIR) a statement that he had made a mistake in reading the material he had been

sent regarding the hearing. Respondent further stated that he would still like to have a hearing.

In his fax, Respondent stated the reason he would like a hearing:

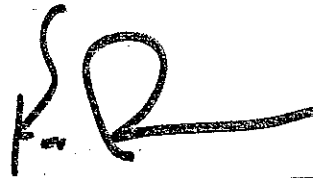
I was given a "verbal" denial the 1<sup>st</sup> week of December 2008. It wasn't until 1/13/2009 that the official denial was sent, well after the new law regarding felonies was in force 1/6/2009. Based upon this I am entitled to a license afterall.

The Commissioner notes that the policy of OFIR with respect to the licensing of individuals with felony convictions has not changed since the January 2009 amendments to the licensing provisions of the Insurance Code. The policy was, and remains, that an individual with a felony conviction is not eligible to receive an insurance producer license. It is an undisputed fact that Respondent was convicted of three felonies between 1996 and 2005. Respondent is, therefore, not eligible to be licensed.

The Commissioner finds that Respondent failed to timely answer the March 27, 2009 Order for Hearing and Order to Respond. Further, no good cause has been shown as to why Petitioner's Motion for Final Decision by Default should not be granted. Therefore, Petitioner's motion is granted. The factual allegations and conclusions of law stated in the complaint are adopted and made part of this Final Decision.

### ORDER

It is ordered that the refusal to issue an insurance producer's license to Respondent Frederick G. Asher is upheld.

A handwritten signature in black ink, appearing to be 'K. Ross', written over a horizontal line.

Ken Ross  
Commissioner